

2856

410 Rec'd PCT/PTO 26 APR 2000

OFGS File No.: P/613-111(PCT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jose Rafael ESTEBAN DURAN, et al.

Date: April 26, 2000

Serial No.: 09/508,031

Filed: March 6, 2000

For: COMPOSITION ATTRACTIVE TO INSECTS PERTAINING TO THE COLEOPTERA ORDER
AND ITS APPLICATION TO PEST CONTROL IN PALM TREES AND RELATED PLANTS

Hon. Commissioner of Patents and Trademarks
Box PCT (US/DO/EO)
Washington, DC 20231

REQUEST FOR REFUND AND
SUBMISSION OF SMALL ENTITY DECLARATION

Sir:

In absence of the Notification of Missing Requirements, enclosed herewith is an inventor's Declaration.

Pursuant to the Notice in the Official Gazette dated February 15, 1983, it is requested that a refund be granted in the amount of \$315.00 (see the attached calculation sheet), the amount overpaid on March 6, 2000 for filing the above application.

The verified statements claiming small entity status of the inventor and assignee are enclosed.

Also submitted is a copy of the documents cited in the International Search Report.

It is requested that the refund be deposited to our Deposit Account No. 15-0700. A duplicate copy of this Request is enclosed.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EL008621840US) in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on April 26, 2000:

Dorothy Jenkins
Name of Person Mailing Correspondence
Dorothy Jenkins
Signature
April 26, 2000
Date of Signature

Respectfully submitted,

Edward A. Meilman

Edward A. Meilman
Registration No.: 24,735
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

EAM:mgs

00451071.1

REFUND CALCULATION SHEET

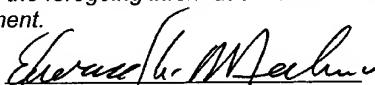
\$ 420.00 -- Refund Due for Overpayment at Filing

65.00 -- Less Surcharge for Oath/Declaration

40.00 -- Less Assignment Filing Fee

\$ 315.00 -- Total Amount to be Refunded

PATENTS RECORDATION COVER SHEET

To the Assistant Commissioner of Patents and Trademarks: Please record the attached original document or copy thereof.			
<p>1. Name of conveying party(ies): Jose Rafael ESTEBAN DURAN Jose Luis TADEO LLUCH Francisco BEITIA CRESPO Antonio JIMENEZ ALVAREZ Consuelo SANCHEZ-BRUNETE PALOP</p> <p>Type of Entity: Individuals Additional names(s) of conveying party(ies) attached? No</p>			
<p>2. Name and Address of receiving party(ies): Instituto Nacional de Investigacion y Tecnologia Agraria y Alimentaria (INIA) Jose Abascal, 56 28003 Madrid, Spain</p> <p>Type of Entity: Corporation-Spain Additional name(s) & address(es) attached? No</p>			
<p>3. Nature of Conveyance: Assignment Execution Date: March 3, 2000</p>			
<p>4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is:</p> <table border="1"> <tr> <td>A. Application No.(s) 09/508,031</td> <td>B. Patent No.(s)</td> </tr> </table>		A. Application No.(s) 09/508,031	B. Patent No.(s)
A. Application No.(s) 09/508,031	B. Patent No.(s)		
<p>Additional numbers attached? No</p>			
<p>5. Name and address of party to whom correspondence concerning document should be mailed: OSTROLENK, FABER, GERB & SOFFEN, LLP 1180 Avenue of the Americas New York, New York 10036-8403</p>			
<p>6. Total number of documents involved: 1</p>			
<p>7. Total fee (37 CFR 3.41): \$ 40.00</p>			
<p>Enclosed as part of Check No.</p>			
<p>In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee due is not paid, the Patent and Trademark Office is authorized to charge the underpayment to Deposit Account No. 15-0700.</p>			
DO NOT USE THIS SPACE			
<p>8. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</p>			
<p>Edward A. Meilman  Name of Person Signing Signature April 26, 2000 Date</p>			
<p>Total number of pages including cover sheet, attachments, and document: 2</p>			

PATENT APPLICATION ASSIGNMENT -
SOLE OR JOINT INVENTORS
EXECUTED OUTSIDE U.S.A.

OFGS FILE NO. P/613-111

(2)

WHEREAS, I (We), Francisco BEITIA CRESPO, Antonio JIMENEZ ALVAREZ and Consuelo SANCHEZ-BRUNETE PALOP as assignor(s), have invented certain improvements in COMPOSITION ATTRACTIVE TO INSECTS PERTAINING TO THE COLEOPTERA ORDER AND ITS APPLICATION TO PEST CONTROL IN PALM TREES AND RELATED PLANTS for which an application for United States Letters Patent has been executed by me (us) of even date herewith; and

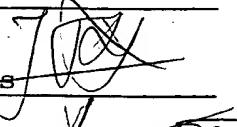
WHEREAS, Instituto Nacional de Investigacion y Tecnologia Agraria y Alimentaria (INIA), Jose Abascal, 56, 28003 Madrid Spain

as assignee, is desirous of acquiring all right, title and interest in and to said invention and any Patent that may be granted therefor.

NOW, THEREFORE, in consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, I (We), as assignor(s), hereby sell, assign and set over to said assignee the entire right, title and interest for the United States and all other countries in and to said invention and the aforesaid application for Patent, all original, divisional, continuation, substitute or reissue applications and patents applied for or granted therefor in the United States and all other countries, including all rights of priority from the filing of said application, and all rights for past infringement, and the Commissioner of Patents and Trademarks is hereby authorized and requested to issue all patents on said inventions or resulting therefrom to said assignee herein, as assignee of the entire interest therein; and the undersigned for myself (ourselves) and my (our) legal representatives, heirs and assigns do hereby agree and covenant without further remuneration, to execute and deliver all divisional, continuation, reissue and other applications for Patent on said inventions and all assignments thereof to said assignee or its assigns, to communicate to said assignee or its representatives all facts known to the undersigned respecting said inventions, whenever requested, to testify in any interferences or other legal proceedings in which any of said applications or patents may become involved, to sign all lawful papers, make all rightful oaths, and to do generally everything necessary to assist assignee, its successors, assigns and nominees to obtain patent protection for said invention in the United States and all other countries, the expenses incident to said applications to be borne and paid by said assignee.

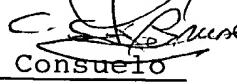
Date: - 3 MAR. 2000


ESTEBAN DURAN, José Rafael


TADEO LLUCH, José Luis


BEITIA CRESPO, Francisco


JIMENEZ ALVAREZ, Antonio


SANCHEZ-BRUNETE PALOP, Consuelo

PCT **ORGANIZACION MUNDIAL DE LA PROPIEDAD INTELECTUAL**
Oficina Internacional
SOLICITUD INTERNACIONAL PUBLICADA EN VIRTUD DEL TRATADO DE COOPERACION
EN MATERIA DE PATENTES (PCT)



(51) Clasificación Internacional de Patentes ⁶ : A01N 65/00		A1	(11) Número de publicación internacional: WO 99/12425
(21) Solicitud internacional: PCT/ES98/00243		(13) Fecha de publicación internacional: 18 de Marzo de 1999 (18.03.99)	
(22) Fecha de la presentación internacional: 4 de Septiembre de 1998 (04.09.98)		(74) Mandatario: GONZALEZ VACAS, Eleutorio; Sagasta, 4, F-28004 Madrid (ES).	
(30) Datos relativos a la prioridad: P 9/01890 5 de Septiembre de 1997 (05.09.97) ES		(81) Estados designados: BR, ID, MX, US. Patente europea (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE).	
(71) Solicitante (para todos los Estados designados salvo US): INSTITUTO NACIONAL DE INVESTIGACION Y TECNOLOGIA AGRARIA Y ALIMENTARIA (INIA) (ES/ES); José Abascal, 56, E-28003 Madrid (ES)		Publicada Con informe de búsqueda internacional.	
(72) Inventores; e (73) Inventores/solicitantes (sólo US): ESTEBAN DURAN, José Rafael (ES/ES); Valladeros, 102, E-28003 Madrid (ES); SANCHEZ-BRUNETE PALOP, Consuelo (ES/ES); Andrés Mellado, 12, E-28015 Madrid (ES); TEDEO LLUCH, José Luis (ES/ES); Cea Bermudez, 63, E-28003 Madrid (ES); BEITIA CRESPO, Francisco (ES/ES); Pedroches, 18, E-28915 Leganés-Madrid (ES); JIMÉNEZ ALVAREZ, Antonio (ES/ES); Alejandro Rodríguez, 19, E-28039 Madrid (ES).			
(54) Título: COMPOSITION ATTRACTING INSECTS PERTAINING TO THE COLEOPTERA FAMILY AND USE THEREOF IN THE CONTROL OF PLAGUES IN PALM-TREES AND RELATED PLANTS			
(54) Título: COMPOSICION ATRAYENTE DE INSECTOS PERTENECIENTES AL ORDEN COLEOPTERA Y SU EMPLEO EN EL CONTROL DE PLAGAS EN PALMERAS Y PLANTAS RELACIONADAS			
(57) Abstract			
<p>The composition comprises a semisynthetic mixture (a) which includes (a1) an organic compound which is essentially emitted in the fermentation of vegetable parts of the palm-tree or related plant and (a2) a vegetable material obtained from the palm-tree or related plant and which has been ground, fermented and stabilized and (a3) an organic compound emitted in minor quantity during the fermentation of vegetable parts of the palm-tree or related plant; and (b) a pheromone which is appropriate for the insect to be controlled. The method comprises the application of said composition to a plantation of palm-tree and related plants to be protected. The composition and the method apply to agriculture.</p>			
(57) Resumen			
<p>La composición consta de una mezcla semisintética (a) que comprende (a1) un compuesto orgánico mayoritariamente emitido en la fermentación de partes vegetales de la palmera o planta relacionada, y (a2) un material vegetal procedente de la palmera o planta relacionada, molido, fermentado y estabilizado, y (a3) un compuesto orgánico minoritariamente emitido durante la fermentación de partes vegetales de la palmera o planta relacionada; y (b) una feromonía adecuada para el insecto a controlar. El método comprende aplicar dicha composición sobre la plantación de palmeras y plantas relacionadas a proteger. La composición y el método tienen aplicación en agricultura.</p>			

MAY 09 2000



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/508031	DURAN J	P/613-111
OSTROLLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 10036 8403		INTERNATIONAL APPLICATION NO.
		PCT/ES98/00243
I.A. FILING DATE		PRIORITY DATE
04 SEP 98		05 SEP 97
DATE MAILED: 03 MAY 2000		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

a Designated Office (37 CFR 1.494),
 an Elected Office (37 CFR 1.495):

U.S. Basic National Fee.

Copy of the international application in:
 a non-English language.

English.

Translation of the international application into English.

Oath or Declaration of inventors(s) for DO/EO/US.

Copy of Article 19 amendments.

Translation of Article 19 amendments into English.

The International Preliminary Examination Report in English and its Annexes, if any.

Translation of Annexes to the International Preliminary Examination Report into English.

Preliminary amendment(s) filed 06 MAR. 2000 and

Information Disclosure Statement(s) filed _____ and _____

Assignment document.

Power of Attorney and/or Change of Address.

Substitute specification filed _____

Verified Statement Claiming Small Entity Status.

Priority Document.

Copy of the International Search Report and copies of the references cited therein.

Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR. 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

PCT/DO/EO/917

Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (December 1997)

CHRISTINE WASHINGTON
Telephone: 703-305-3752